

REMARKS

The Office Action mailed October 17, 2007 has been carefully considered.
Reconsideration in view of the following remarks is respectfully requested.

Subject Matter Indicated Allowed or Allowable

Applicants are grateful for the indication of allowability of claims 3-6, 17-19 and 25-28, subject to their re-writing in independent form.

Claim 3, from which claims 4-6 indirectly or directly depend, has been amended to include the limitation of base claim 1, is now in condition for allowance.

Claim 17, from which claims 18-19 indirectly or directly depend, has been amended to include the limitation of base claim 16, is now in condition for allowance.

Claim 25, from which claims 26-28 indirectly or directly depend, has been amended to include the limitation of base claim 23, is now in condition for allowance.

Canceled Claims

Claims 1, 2, 7-16, 23-24 and 29-30 have been canceled without prejudice or disclaimer of the subject matter contained therein.

Rejection(s) Under 35 U.S.C. § 101

Claim 38 stands rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. Claim 38 has been amended to recite a “computer readable medium encoded with computer executable instructions” rather than the offending “program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine.” Withdrawal of the 35 U.S.C. § 101 rejection is respectfully requested.

Rejection(s) Under 35 U.S.C. § 103 (a)

Claims 1-2, 7-8, 16, 23-24, 29-30, 38 and 41-43 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rue (U.S. pub. no. 2003/0185172) in view of Lee et al.

(U.S. pat. no. 6,535,493). Claims 1-2, 7-8, 16, 23-24, 29-30 have been canceled without prejudice or disclaimer of their subject matter, and the rejection thereof is moot. Claim 38 has been amended to recite, *inter alia*,

discovering if the first switch is the same as the second switch by determining if the roam request received by the first switch was also sent by the first switch;
performing said determining, removing, and tunneling only if the first switch is not the same as the second switch;
setting the first switch as the foreign agent if the first switch is the same as the second switch; and
updating a virtual network tag corresponding to the client in a data structure controlled by the first switch if the first switch is the same as the second switch

These features, referred to herein as the self-check for shorthand purposes only and not intended to be in any way limiting, appear in all the claims previously indicated to be allowable, and are not disclosed or suggested by Rue or Lee, considered singularly or in combination. For this reason at least, claim 38 is also allowable.

Claim 41 contains the limitation “an identical discoverer configured to determine, if the roaming client is determined to be conducting layer 3 roaming, whether the roam request was sent by the switch or by another switch.” This limitation is similar to the “self-check” limitation of claim 38 and that of the other claims indicated to be allowable. Accordingly, claim 41 is allowable for at least the same reason.

Claim 42 contains a similar “self-check” limitation and is also allowable for the same reason.

Claim 43 has been amended include the limitations relating to the “self-check” features, which are, *inter alia*,

a first switch second switch identical discoverer coupled to said first switch home agent determiner, said client information remover, and said second switch traffic tunneler;

a first switch foreign agent setter coupled to said first
switch second switch identical discoverer; and
a virtual network tag updater coupled to said first switch
foreign agent setter

Accordingly, claim 43 is allowable as well.

Claims 9-11 and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rue in view of Eglin (U.S. pub. no. 2003/0210671). Claims 9-11 have been canceled in the present amendment. Claim 20 was canceled in a previous amendment. Accordingly, the rejection of claims 9-11 and 20 is moot.

Claims 12, 15, 21 and 40 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lee et al. in view of Rue and Strachan et al. (U.S. pub. no. 2004/0105440). Claims 12 and 15 have been canceled in the present amendment. Claims 21 and 40 were canceled in a previous amendment. Accordingly, the rejection of claims 12, 15, 21 and 40 is moot.

Claims 13 and 22 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lee et al., Rue and Strachan et al. in further view of Edney et al. (U.S. pub. no. 2004/0255033). Claim 13 has been canceled in the present amendment. Claim 22 was canceled in a previous amendment. Accordingly, the rejection of claims 13 and 22 is moot.

Claim 14 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lee et al., Rue and Strachan et al. in further view of Eglin. Claim 14 has been canceled in the present amendment. Accordingly, the rejection of claim 14 is moot.

Conclusion

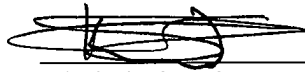
In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

Respectfully submitted,
THELEN REID BROWN RAYSMAN & STEINER LLP

Dated: 01/10/2008



Khaled Shami
Reg. No. 38,745

THELEN REID BROWN RAYSMAN & STEINER LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040